

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICKY D. MOSS,

Petitioner,

-vs-

Case No. 15-C-668

**DAVID A. CLARKE,
Milwaukee County Sheriff,**

Respondent.

DECISION AND ORDER

Ricky Moss is in custody, awaiting trial in Milwaukee County Circuit Court. Now before the Court is Moss's petition for a writ of habeas corpus under 28 U.S.C. § 2241. "Criminal defendants incarcerated by a state awaiting trial may seek a writ of habeas corpus from federal courts. While these applicants are not subject to the statutory requirement of exhaustion of remedies, federal courts nevertheless may require, as a matter of comity, that such detainees exhaust all avenues of state relief before seeking the writ." *United States v. Castor*, 937 F.2d 293, 296-97 (7th Cir. 1991).

Moss is charged with seven felonies, including second degree reckless injury, hit and run involving great bodily injury, and possession with the intent to distribute cocaine. The State of Wisconsin has a

legitimate interest in prosecuting serious crimes such as these. Moss must raise his claims in state court.

Moss's motion for leave to proceed *in forma pauperis* [ECF No. 2] is **GRANTED**, but Moss's petition for a writ of habeas corpus is **DISMISSED**. The Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c)(2).

Dated at Milwaukee, Wisconsin, this 9th day of June, 2015.

SO ORDERED:


HON. RUDOLPH T. RANDA
U.S. District Judge